IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2684 of 2007()

CMP.3296/2007 of J.M.F.C.-I,NEDUMANGAD
CR.NO.5/2007 OF ARYANAD EXCISE RANGE

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: PETITION/ACCUSED

HARIKUMAR @ HARI,
S/O.VAMADEVAN, RESIDING AT JISHNU BHAVAN,
UNDAPPARA, KOTTAKKAKAM MURI,
ARYANAD VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.A.SALIM

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. BALACHANDRAN, J.

B.A No. 2684 of 2007

Dated this the 4th day of May, 2007

O R D E R

This is an application for regular bail filed under Section 439 Cr.P.C.

The petitioner is the accused in Crime No.5/2007 of Aryanad Excise Range registered for offence under Section 8 (1) and (2) of the Kerala Abkari Act consequent on detection of transporting by the petitioner of 10 litres of arrack. Government Pleader submits that other than this case the petitioner is not involved in any other case. The petitioner is in custody from 14.4.2007 onwards. Considering the period of detention already undergone by the petitioner and the fact that there is no case for the prosecution that the petitioner is a habitual offender, I am of the view that bail can be granted to the petitioner.

In the result, I grant bail to the petitioner on the following conditions:

(i) that the petitioner shall execute bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the Magistrate concerned; and

(ii) that on such release the petitioner shall co-operate with the investigation of the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid.

(K.P. BALACHANDRAN, JUDGE)

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KURIAN JOSEPH, J.

O.P.No./

JUDGMENT

11th December, 2006